

P L A N N I N G C O M M I S S I O N

ACTION MINUTES

TUESDAY, MAY 18, 2004

Chair Gibson called the meeting to order at 7:00 p.m. at the Twin Pines Senior and Community Center.

ROLL CALL:

Present, Commissioners: Gibson, Parsons, Frautschi, Dickenson, Long, Wozniak, Horton

Absent, Commissioners: None

Present, Staff: Community Development Director Ewing (CDD), Principal Planner de Melo (PP), Zoning Technician Froelich (ZT), City Attorney Savaree (CA), Recording Secretary Flores (RS)

AGENDA AMENDMENTS: None

COMMUNITY FORUM (Public Comments): None

CONSENT CALENDAR:

4A. Planning Commission Minutes of April 20, 2004

MOTION: By Commissioner Frautschi, second by Commissioner Wozniak, to accept the minutes of April 20, 2004 as presented.

Ayes: Frautschi, Dickenson, Horton, Wozniak, Parsons, Gibson

Noes: Long (absent 4/20)

Motion passed 6/1

PUBLIC HEARINGS:

5A. PUBLIC HEARING – 900 Holly Road

To consider a Single Family Design Review to add 649 square feet to the existing 2,411 square-foot single family residence for a total of 3,060 square feet that is below the zoning district permitted 3,500 square feet for this site. (Appl. No. 40-001)

APN: 045-140-330; Zoned R-1A (Single Family Residential)

CEQA Status: Categorical Exemption per Section 15301, Class 1(3)(1)

Applicant: Margaret Williams

Owners: Jeff and Joyce Bellomo

PP de Melo summarized his recent memo detailing additional staff research relative to the circular driveway. Staff determined that the driveway was in existence prior to the 1996 Zoning Ordinance that prohibits circular driveways, and since there are no changes being proposed and it has not been abandoned, it is allowed to remain in its current condition. Staff recommended deletion of

Conditions of Approval I.A. 4 and 6 since they are no longer applicable to the project as proposed. ZT Froelich summarized the remainder of the project, recommending approval with the Conditions as amended.

C Frautschi asked if the Commission has the option of requiring that the shed in back be brought into conformance, and asked how it could have passed inspection since the plans called for it to be at 6' and it was built at 3'. CDD Ewing responded that he would need to investigate that question and that it will be treated as a code enforcement case if necessary.

Margaret Williams, architect for the project, stated that the owner wanted to remedy the configuration of the bedrooms and an unfinished playroom, and that the redesign is in conformance with the look of the neighborhood. She added that the Arborist's report recommended replacing the pepper tree that will need to be removed with three 24" box native species trees and asked if they could use a smaller, less expensive tree, or use one or two trees instead of three. CDD Ewing confirmed that the ordinance requires a 24" box but that there is leeway in the number of trees.

Chair Gibson opened the Public Hearing.

Bill Moore, 892 Holly Road, spoke in favor of the project. He added that the driveway has been there for in excess of 30 years, and if the configuration of the driveway were changed it would endanger everyone using Holly Road.

MOTION: By Vice Chair Parsons, seconded by Commissioner Dickenson, to close the public hearing. Motion passed.

Discussion ensued regarding protection of trees and mitigation for the tree to be removed.

MOTION: By Commissioner Long, seconded by Commissioner Frautschi, to approve the Single Family Design Review to construct a 649-sq.ft. addition to the existing 2,411-sq.ft. residence for a total of 3,060 square feet at 900 Holly Road, subject to the attached conditions in Exhibit A modified with the deletion of Conditions I.A.4 and I.A.6, and with modification to I.A.3 with mitigation plantings to reflect at least one tree, with the remainder of any mitigation funds to be donated to the Tree Fund of Belmont. (Application No. 04-0001.)

Ayes: Long, Frautschi, Dickenson, Horton, Wozniak, Parsons, Gibson

Noes: None

Motion Passed 7/0

Chair Gibson stated that the item may be appealed to the City Council within ten days.

Joyce Bellomo, owner, asked for clarification of the Commission's decision. CDD Ewing explained that the condition was that they must plant at least one tree, and if they plant only one tree, then they will be required to contribute to the Belmont Tree Fund the value of the two trees they do not plant. If they plant three trees, they will have fulfilled their obligation.

5B. PUBLIC HEARING – 1133 Villa Avenue

To consider a Single Family Design Review to construct a 686 square-foot addition to the existing 1,876 square-foot residence for a total of 2,562 square feet that is below the zoning district permitted 3,395 square feet for this site (Appl. No. 04-0017)

APN: 044-302-170; Zoned: R-1C (Single Family Residential)

CEQA Status: Categorical Exemption per Section 15301, Class 1(e)(1)

Applicant: Peter Gilbert

Owner: Patrick Wheeler

PP de Melo summarized the staff report, recommending approval but noting that several factors are listed in the staff report which staff believes made the request a "close call".

C Horton noted that it appears that a total of three or four bedrooms have been added to the house, yet it still has a one-car garage. PP de Melo responded that the previously approved additions were done before the City's Design Review Ordinance was adopted. The project currently has four bedrooms and it will now go to five. It is within the bounds of the related Zoning Code regulations so that they are not legally required to upgrade the parking.

C Frautschi asked if the Commission sets the City up for any sort of liability if it does not act on the non-conforming parking pad. CA Savaree responded "no". CDD Ewing added that they will bring it into conformance by making sure that the necessary permits are secured.

C Horton asked for clarification of the UBC height requirement for a railing. CDD Ewing stated that the Building Department will be asked to look into it and be sure it is brought into conformance.

Chair Gibson opened the Public Hearing.

Patrick Wheeler, 1133 Villa Avenue, stated that the parking pad may have been there since the house was built in 1947 and is very useful. He feels there is little scope to improve it dramatically.

MOTION: By Commissioner Frautschi, second by Commissioner Dickenson, to close the public hearing. Motion passed.

VC Parsons asked for clarification of staff's position on bringing the parking pad into conformance. CDD Ewing responded that it is part of four spaces that are required by ordinance and that there is no prohibition on a second driveway when it is required parking to meet code. What is prohibited is the circular driveway and they need to bring the structure of the retaining wall into conformance.

Commissioners agreed that a railing system and/or curb to make the driveway safe should be required, and that the retaining wall needs to be brought into conformance.

MOTION: By Vice Chair Parsons, seconded by Commissioner Long, to adopt the Resolution approving the Single Family Design Review for 1133 Villa Avenue with the conditions attached, and with the additional condition that City staff resolve the encroachment issue with the retaining wall and provide a design for a safety barrier on the property edge, and to bring the driveway and retaining wall into conformance with the code. (Application No. 04-0017)

Ayes: Parsons, Long, Frautschi, Dickenson, Horton, Wozniak, Gibson

Noes: None

Motion Passed 7/0

Chair Gibson noted that the item may be appealed to the City Council within ten days.

5C. PUBLIC HEARING – 2 Dionne Court

To consider a Single Family Design Review to construct a 532 square-foot addition to the existing 2,641 square-foot residence for a total of 3,173 square feet that is below the zoning district permitted 3,371 square feet for this site. (Appl. No. 04-0027)

APN: 043-010-380; Zoned: R-1B (Single Family Residential)

CEQA Status: Categorical Exemption per Section 15301, Class 1(e)(1)

Applicant/Owner: Mike and Arleen Loo

PP de Melo summarized the staff report, recommending project approval with the conditions as outlined in Attachment III, and was available to answer questions from the Commission.

C Gibson opened the Public Hearing. No one came forward to speak.

MOTION: By Vice Chair Parsons, second by Commissioner Dickenson, to close the public hearing. Motion passed.

Commissioner Long commented that he liked the way the statistical data was presented for this project, as well as the for previous project. C Wozniak and C Frautschi commented that they would like to see more trees on the site.

MOTION: By Commissioner Frautschi, seconded by Commissioner Dickenson, to adopt the Resolution approving a Single-Family Design Review at 2 Dionne Court, with Exhibit A, Conditions of Project Approval. (Application No. 04-0027)

Ayes: Frautschi, Dickenson, Long, Horton, Wozniak, Parsons, Gibson

Noes: None

Motion Passed 7/0

Chair Gibson noted that the item may be appealed to the City Council within ten days.

Chair Gibson called for a recess at 8:00 p.m. Meeting resumed at 8:04 pm.

6. STUDY SESSION:

6A. Discussion of Planned Unit Development (PD) Zone Text Amendment

PP de Melo summarized the staff report, and asked for the Commission's comments prior to preparation of draft language for review at a future hearing.

Discussion ensued regarding the various stages of review and approval. CDD Ewing summarized the discussion by asking if there was consensus that at Conceptual Development Review they deal with a more fleshed-out project with uses, densities and grading issues better described, that the use issues still need to be refined at the Detailed Development Plan stage, and that some use findings need to be preserved at that review. The Commission concurred.

Regarding Design Review Findings for non-residential and the newer Design Review Findings for single family and duplexes, CDD Ewing suggested that they could reference the appropriate section number for the findings. I.e., in the language for findings for DDPs there will be a certain section for Use Permits, and for Single Family Residential project a certain section of the findings for Single Family Design Review, and if it's not a single family residential project they could use a certain section for Design Review. In that way, if they ever make changes to the findings for the Design Review section they would get picked up automatically by that reference. The Commission concurred with this suggestion.

Discussion was held regarding maintenance of files and maps, and follow-up with code enforcement on original conditions of approval on PD's. It was suggested by some Commissioners that

developers could be charged a fee for file maintenance and follow-up and that ownership transfer could be a window of opportunity for enforcement.

It was agreed that staff will prepare text that preserves the use permit findings and provides a split to the two groups of findings, depending on the nature of the project, and sorts out what happens when there is a mixed use project. A Public Hearing will be scheduled for Commission review and perhaps a recommendation to Council.

CDD Ewing stated that he does not intend to make the funding of record-keeping a part of the PD Text Amendment since it is not limited to the Zoning issue. He added that Council has recently put a tremendous amount of resources into providing the tools needed to maintain records, starting with electronic imaging of all old Council ordinances that will be searchable and available on the Internet.

Discussion was held regarding the possibility of using stronger language in the findings related to private views. CDD Ewing stated that there is further dialogue needed on this issue and staff will probably bring back draft language for the Commission's review.

7. REPORTS, STUDIES, UPDATES AND COMMENTS

7A. Project Tracking Update – Single-Family Design Review

PP de Melo provided a tracking update of Single-Family Design Review projects that have been reviewed by the Commission within the last seven months, as well as a summary of Planning Commission calendar and actions since August 2003. He suggested that if the Commission so desired, the list could be augmented to include large projects. C Long thanked staff for the report and felt it would be valuable to have the larger projects added.

C Horton asked how long the wait is before a Planner looks at an applicant's submittal. Staff responded that they identify whether or not the application is complete within thirty days, but that some projects take longer to get to a Planning Commission hearing, depending on issues involved, such as trees, grading, or geotechnical studies. Pros and cons of charging an expediting fee were discussed.

7B. Other Items

Regarding Broadcast E-Mail, Chair Gibson clarified that the Commission had agreed that Broadcast E-mail would be forwarded to staff for response. CDD Ewing stated that broadcasting to each other is definitely a problem that could broach becoming a Brown Act violation. He will have his name added as a recipient on the Planning Commission e-mail group list and take responsibility for responding, and then copy the Commission on his response. CA Savaree pointed out that when one Commissioner sends a message, and that prompts a thought by another Commissioner who decides to respond, those are the kinds of concerns when you have members of the body communicating directly through e-mail with members of the public. She just returned from a conference where a panel of City Attorneys discussed this problem and the conclusion was that staff should be sending the responses.

C Wozniak asked if it is possible to get the Community Development Project Status Report that is prepared by the City Manager's Office posted on the web. CDD Ewing responded that they could consider this for the City's new web site that is to be available at the end of June or early July.

C Wozniak asked about a dumpster on a property on Valley View. Code Enforcement has been notified that the garbage is working its way down.

C Long thanked the City for the Summerhill permanent signs which became only two-week signs.

C Dickenson asked where Public Notices for Design Review are supposed to be posted. He noticed that some of them for tonight's meeting were posted on a tree, a mailbox, and in a rain cover. He would like to see a requirement that they be 11 x 14 and posted 3' off the sidewalk.

**8. PLANNING COMMISSION LIAISON TO CITY COUNCIL MEETING OF TUESDAY,
MAY 25, 2004.**

Liaison: Vice Chair Parsons

Alternate Liaison: Commissioner Long

C Long will attend the meeting since Vice Chair Parsons will be out of town.

9. ADJOURNMENT:

The meeting adjourned at 9:20 p.m. to a regular meeting on Tuesday, June 1, 2004 at 7:00 p.m. at Twin Pines Senior and Community Center.

Craig A. Ewing, AICP

Planning Commission Secretary

*Audiotapes of Planning Commission Meetings are available for review
in the Community Development Department*

Please call (650) 595-7416 to schedule an appointment.